

Priorities for Immigrant Workers in the Gulf Coast

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Background

Literally millions of federal dollars have been awarded to corporations to repair and rebuild the Gulf Coast region. A lack of federal oversight of these contracts and lax enforcement of fundamental labor laws is allowing the Gulf Coast to be rebuilt on the backs of under-paid or unpaid workers toiling in substandard working conditions. The work in the Gulf Coast region must not be carried out in sweatshop conditions. Congress should take the following actions to ensure that the reconstruction of the hurricane-ravaged regions is an ethical reconstruction that promotes the basic labor rights of all workers.

1. Stop Wage Theft in the Gulf Coast.

- Appropriate funds for additional bilingual Department of Labor (DOL) staff to investigate and prosecute wage and hour violations.
- Set mandatory minimum penalties for pervasive wage and hour violations.
- Clarify that punitive damages are available for retaliation under the Fair Labor Standards Act.

2. Improve Health and Safety Conditions in the Gulf Coast.

- Appropriate funds for additional bilingual Occupational Health and Safety Administration (OSHA) investigators to assess public and private reconstruction worksite compliance with fundamental health and safety regulations.
- Clarify that employers must provide all required safety equipment free of charge to protect workers from hazardous conditions.
- Ensure that there is a Memorandum of Understanding in place between OSHA and the Immigration and Customs Enforcement (ICE) so that ICE will not carry out enforcement operations under the guise of OSHA in the Gulf Coast region so that workers feel able to come forward to report health and safety violations.

3. Ensure Oversight Over Federal Agencies' Enforcement of Labor Laws.

- Conduct Congressional oversight hearings regarding federal agencies' inadequate response to the current crisis level of labor violations in the Gulf Region.
- Call for an independent evaluation of the DOL and OSHA's response to widespread reports of worker exploitation in connection with the Gulf Coast reconstruction.
- Require the DOL to release information on the situation facing reconstruction workers in the Gulf Coast and the agency's response to the problem. At a minimum, the DOL must make public the number of wage and hour complaints it has received since September 2005, the number of investigators it has deployed to the Hurricane-affected region, and the status of pending complaints from the region.



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4. Increase Transparency and Accountability in the Federal Contracting Process.

- Require federal contractors to collect and disseminate information on their subcontractors, at least three levels removed. Current law only requires federal contractors to collect information on their first layer of subcontractors.
- Audit all federal contracts awarded for Gulf Coast Reconstruction. Contracts should be suspended for contractors who fail to comply with federal labor law.
- Require the federal office of contract procurement to investigate whether contractors have a history of lawlessness *before* federal contracts are awarded. Contractors with a history of wage and hour violations, lack of compliance with health and safety laws, or contract fraud should not be awarded contracts.
- Encourage the awarding of contracts to local and minority-owned businesses.

5. Prevent Employers from Misusing Immigration Laws to Circumvent Their Legal Obligations in the Workplace

- Codify rules regarding worksite enforcement by U.S. Immigration Customs Enforcement (ICE) during a labor dispute (including communication between federal agencies and DHS and internal ICE procedures).
- Provide whistleblower protection status for workers who are threatened or actually retaliated against for coming forward to complain about employment and labor rights violations.

6. Federal Oversight of State and Local Responses.

- Ensure that FEMA contractors and subcontractors, as well as all other companies engaged in the reconstruction efforts, are providing workers' compensation insurance to reconstruction workers injured on the job.
- Conduct Congressional oversight hearings regarding state and local responses to the hurricanes and the ability of state and local governments to serve immigrant and limited English-speaking survivors and workers, without regard to immigration status.

7. Many Immigrant Workers are Also Hurricane Survivors.

- Ensure that assistance is provided and outreach conducted in a manner that all cultural and linguistic communities in a disaster area can understand.
- Ensure that humanitarian disaster assistance is provided to all, without any barriers such as immigration enforcement that could compromise the trust of the community or otherwise prevent survivors from coming forward for needed assistance.
- Amend immigration laws to ensure that the legal status of immigrants is not affected by the loss of loved ones, work, or documents in a disaster.
- Extend rather than rescind Temporary Protected Status, which among other things has provided temporary legal status to thousands of Hurricane Mitch survivors in the Gulf Coast.

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